

**NURSING HOME ADMINISTRATOR EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
May 15, 2003**

PRESENT: Patricia Benesh, David Egan, Dr. Robert Kessler, Robert Mulder, Roxann Sobek, Patricia Schulz (via telephone)

EXCUSED: Jerry Schallock

STAFF PRESENT: Patty Hoeft, Division Administrator; Ruby Jefferson-Moore, Legal Counsel; Roxanne Peterson, Direct Licensing Coordinator; Staff from DOE were present for portions of the meeting

CALL TO ORDER

The meeting was called to order at 9:30 a.m. by Robert Mulder, Vice Chair. A quorum of six members was present.

The Board welcomed Secretary Donsia Strong Hill, Deputy Secretary Mary Woolsey Schlaefel, Executive Assistant Christopher Klein, and Division Administrators, Patty Hoeft.

AGENDA

Additions to the Agenda: Add Discussion of AB 314

MOTION: David Egan moved, seconded by Roxann Sobek, to adopt the agenda as amended. Motion carried unanimously.

MINUTES (12/19/02)

MOTION: David Egan moved, seconded by Robert Kessler, to approve the minutes as written. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Robert Kessler moved, seconded by David Egan, that the current slate of officers be elected for 2003, that being: Jerry Schallock as Chair, Robert Mulder as Vice Chair, and Patricia Schulz as Secretary. Motion carried unanimously.

ADMINISTRATIVE REPORT

Board Roster – Corrections were noted for the Roster.

Meeting Dates for 2003 – Noted.

Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules - Noted.

Out-of-State Travel Policy - Roxanne Peterson explained the current out-of-state travel policy and reported that the Department is reviewing its current policy as it will relate to travel plans for Fiscal Year 2004.

Board Appointments - Roxanne Peterson reported that the Department is in continual contact with the Governor's office regarding appointments to various Boards. The Governor is in the process of appointing several unfilled positions.

LEGISLATIVE UPDATE

AB 16

This Bill relates to requirements for exams for nursing home administrator licensees and for reciprocal nursing home administrator licenses, creating an exemption for such requirements, and granting rulemaking authority. Ruby Jefferson-Moore reported that AB 16 has been introduced and that Jerry Schallock is attending the public hearing on this issue today.

AB 314

This Bill relates to licensing hospital administrators and creating a Hospital and Nursing Home Administrator Examining Board.

The Board deferred discussion of AB 314 until its September meeting.

ADMINISTRATIVE RULES UPDATE

Nothing before the Board at this time. This item will continue to be on the agenda so Board can discuss any new rulemaking issues that need attention.

REQUEST FOR COURSE APPROVAL UNIVERSITY OF NORTH CAROLINA-CHAPEL HILL

Judy Mender met with the Board to discuss the University of North Carolina-Chapel Hill courses. Ms. Mender reported that the program is already approved, however, they are currently changing the content or focus of the program.

MOTION: David Egan moved, seconded by Roxann Sobek, this discussion be deferred to the September, 2003, meeting and requests that Judy Mender send a letter to the University requesting a summary of what changes have occurred in the programs; what was the rationale for making the changes; are they offering the old courses that have been previously approved, and if not, when were the courses the Board approved last offered; and, if this

is a new program, when did the program start and what is being offered.
Motion carried unanimously.

REQUEST FOR RENEWAL – CLIFF CHRISTIANSEN

Judy Mender met with the Board to discuss Cliff Christiansen's request for reinstatement of his Wisconsin nursing home administrator license which expired 5 or more years after the renewal date.

MOTION: David Egan moved, seconded by Robert Mulder, that Judy Mender notify Cliff Christiansen that he must comply with the requirements of s. NHA 4.02(2)(b), Wis. Admin. Code, which includes taking both the State and NAB exams. Motion carried unanimously.

MOTION: Roxann Sobek moved, seconded by David Egan, that if Cliff Christiansen passes both examinations, he be granted a right to renew his license. Motion carried unanimously.

The Board requested that the reinstatement of licensure after 5-years issue be included on the next agenda for further consideration regarding a possible statute or administrative rule change.

Section 440.08(4), Stats., Denial of Credential Renewal

The Board discussed its authority to review a background check and verifications from other states when considering reinstatement/renewal of a license that has not been renewed within 5 years. Ruby Jefferson-Moore explained that there is a provision in s. 440.08(4), Stats., that grants authority to an examining board to deny an application for renewal of a credential if necessary to protect the public health, safety or welfare. Ms. Jefferson-Moore advised that if this provision is used for a denial, the applicant is entitled to file a written request for a hearing within 30 days after the date of the notice of denial is mailed.

MOTION: Robert Kessler moved, seconded by David Egan, that if a person has not renewed within 5 years, that in addition to the administrative rule renewal requirements, that credentialing staff conduct a background check and request information from other state licensing boards, so that the Board can consider whether or not they want to deny a renewal based on s. 440.08(4), Stats. Motion carried unanimously.

MEMORANDUM OF AGREEMENT WITH DHFS

The Board received a copy of the Memorandum of Agreement between the Department of Health and Family Services, Division of Supportive Living, Bureau of Quality Assurance and the Nursing Home Administrator Examining Board and the Department of Regulation and Licensing, entitled "Substandard Quality of Care Notification".

MOTION: David Egan moved, seconded by Patricia Schulz, to accept the Memorandum of Agreement as written, ask that the Board Chair sign the

MOA, and refer the MOA to the Department Secretary for approval and signature. Motion carried unanimously.

EXAMINATION ISSUES

Nothing to report.

NAB 2003 ANNUAL MEETING

The Board received conference information relating to the National Association of Boards of Examiners of Long Term Care Administrators Annual Meeting to be held in Portland, Oregon, on June 11-13, 2003.

MOTION: Roxann Sobek moved, seconded by David Egan, that Jerry Schallock be approved to represent the Board at the conference, if he is available; and, if Mr. Schallock is not available that Robert Mulder be the first alternate with David Egan as the second alternate. Motion carried unanimously.

BOARD MEMBER ACTIVITY

BQA Industry Advocacy Meetings with DHFS

It was noted that at the last Board meeting, the Board appointed Karen Robinson as the representative to attend the BQA Industry Advocacy meetings. Ms. Robinson has since resigned from the Board.

MOTION: Robert Kessler moved, seconded by Roxann Sobek, to designate David Egan as the Board representative at the BQA Industry Advocacy meetings. Motion carried unanimously.

NATIONAL ASSOCIATION OF BOARDS OF EXAMINERS OF LONG TERM CARE ADMINISTRATORS

Nothing to report.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Press release entitled "Krusick Calls for Improved Regulation of Assisted Living Facilities." Noted.

Wisconsin Legislative Audit Bureau Audit Summary re: Regulation of Nursing Homes and Assisted Living Facilities. Noted.

NEW BUSINESS

Nothing to report.

RECESS TO CLOSED SESSION

MOTION: David Egan moved, seconded by Roxann Sobek, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b), (f) and (g), Wis. Stats.: to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person, and to discuss the case status report and case closings. Roll Call Vote: Dr. Robert Kessler - yes; Roxann Sobek - yes; Pat Schulz - yes; David Egan-yes; Robert Mulder- yes; Patricia Benesh-Non-voting member. Motion carried unanimously.

Open Session recessed at 11:20 a.m.

The Board deliberated on case closings, monitoring issues, and an administrative warning in Closed Session.

RECONVENE IN OPEN SESSION

MOTION: Roxann Sobek moved, seconded by David Egan, to reconvene in Open Session at 12:15 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: David Egan moved, seconded by Patricia Schulz, to close case **00 NHA 022** for no violation and to refer this case to DOE asking that it be logged in for review by the Board of Nursing. Motion carried unanimously.

MOTION: David Egan moved, seconded by Robert Kessler, to close case **00 NHA 031** for P5. Motion carried unanimously.

MOTION: Robert Kessler moved, seconded by David Egan, to close the complaint against Dennis DeCosta, one of the respondents in case **00 NHA 002**, for no violation. Motion carried unanimously.

MOTION: David Egan moved, seconded by Robert Mulder, to close case **00 NHA 033** for compliance gained. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Robert Kessler moved, seconded by Robert Mulder, to accept the Administrative Warning for case **00 NHA 016**. Motion carried unanimously.

MONITORING REPORT

VINCENT BERGSTROM – REQUEST FOR 3-MONTH STAY OF SUSPENSION

MOTION: Robert Kessler moved, seconded by David Egan, to grant Vincent Bergstrom a 3-month stay of suspension. Motion carried unanimously.

PENDING APPLICATIONS

There were no pending applications before the Board.

ADJOURNMENT

MOTION: Patricia Schulz moved, seconded by David Egan, to adjourn the meeting at 12:40 p.m. Motion carried unanimously.